



Frank S. Simone
Government Affairs Director

Suite 1000
1120 20th Street, NW
Washington DC 20036
202-457-2321
202-263-2660 FAX
fsimone@att.com

November 13, 2001

VIA ELECTRONIC FILING

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S. W. – Room TWB-204
Washington, D. C. 20554

Re: Ex parte, CC Docket No. 01-194, Application of SBC Communications Inc.
Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region
InterLATA Services in Missouri and Arkansas

Dear Ms. Salas:

On Friday, November 9, 2001, Dina Mack and the undersigned, representing AT&T, met via telephone with Jordan Goldstein, Legal Advisor to Commissioner Michael Copps.

The purpose of the meeting was to review the reasons why AT&T believes SBC fails to resell DSL service at a wholesale discount, in violation of Sections 251(c)(4) and 271(c)(2)(B)(xiv) of the Act. Specifically we discussed the following points:

1. Under the Commission's Bundling Order, SBC is required to tariff a retail DSL transport offer. See ¶¶ 43-44 (BOCs must continue to offer basic service separately pursuant to tariff so that customers can "purchase enhanced services from competitive providers and still obtain local service from the incumbent pursuant to tariff.") In addition, in exempting bulk sales from the section 251(c)(4) discounted resale obligations, the Commission assumed that ILECs would *continue* to make such services available for resale to CLECs pursuant to Section 251(c)(4). See ASCENT at 10-11. Thus, the Commission expressed its "confiden[ce] that our findings reinforce the resale requirement of the Act by ensuring that resellers are able to acquire advanced services sold by incumbent LECs to residential and business end-users at wholesale rates, thus ensuring that competitive carriers are able to enter the advanced services market by providing to consumers the same quality service offerings provided by incumbent LECs." *Second Advanced Services Order* ¶ 20.
2. Its efforts to discontinue certain functions for unaffiliated ISPs while performing those functions for its own affiliate exacerbates the discrimination against unaffiliated ISPs, which violates sections 251(c)(4), 251(b), 201 and 202 of the Act.

3. SBC's tariff unlawfully limits wholesale DSL transport to situations where SBC is the voice provider, in violation of the Commission's holding in the Connecticut and Pennsylvania 271 Orders. See Connecticut Order ¶ 29; Pennsylvania Order ¶ 95.

One copy of this electronically filed Notice is being submitted to the Secretary of the FCC in accordance with Section 1.1206 of the Commission's rules and the FCC's Public Notice, DA 01-2436 (Oct. 17, 2001).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Simone". The signature is fluid and cursive, with the first letter "R" being large and prominent.

cc: J. Goldstein